IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITIOIN NO. 3813 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mrs. Vauidehi Kamat with Mr. P.M. Pradhan for the petitioners.

Mr. S.S. Patwardhan for respondents 1 and 2.

CORAM : ANOOP V. MOHTA, J.

DATE : 05.12.2005

. The present writ petition is against the concurrent findings of facts in so far as, the possession of property in question. As per the plaintiffs' averments, the trial Court, by an order dated 30/3/205, restrained the defendants and their agents from causing obstruction and interference in the possession and construction work of the plaintiff over the suit property till the decision of

the suit. The appellate Court has confirmed the same.

2. Heard the learned Counsel appearing for the petitioner, whose basic contention appears that the description of the property is not correct and that resulted into the disturbance and obstruction of the property, even owned by the defendants. At this stage, without going into that controversy, it is sufficient to sustain the concurrent findings by the Courts below, in so far as, the possession part is concerned. The plaintiffs have made out a prima facie case about their lawful possession over the suit property. Taking all this into account, keeping all points open, the present writ petition is dismissed. There shall be no order as to cost.

(ANOOP V.MOHTA,J.]